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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/934,455	
	Filing Date	August 22, 2001	
	First Named Inventor	Luc ADAM	
	Art Unit	1638	
	Examiner Name	D. Kruse	
Total Number of Pages in This Submission	18	Attorney Docket Number	514442002300

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> <b>Fee Transmittal Form (in duplicate for fee processing - 2 pages)</b>  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> <b>Amendment/Reply (3 pages)</b>  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/>  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input checked="" type="checkbox"/> <b>Petition (4 pages)</b>  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> <b>Other Enclosure(s) (please identify below):</b>  1. Supplemental Application Data Sheet (6 pages) 2. Communication (2 pages)
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	MORRISON & FOERSTER, LLP (Customer No. 20872) Michael R. Ward - Reg. No. 38,651
Signature	
Date	January 13, 2006

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 739862323 US, in an envelope addressed to: MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 13, 2006

Signature:

(Leah Kjellen)

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Dated: January 13, 2006

Signature: \_\_\_\_\_

(Leah Kjellen)

Docket No.: 514442002300  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Application of:  
Luc ADAM et al.

Application No.: 09/934,455

Filed: August 22, 2001

Art Unit: 1638

For: GENES FOR MODIFYING PLANT TRAITS IV

Examiner: D. Kruse

**COMMUNICATION**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Madam or Sir:

Applicants file herewith a Petition to Accept an Unintentionally Delayed Claim for Benefit Under 37 C.F.R. 1.78(a)(3), a Supplemental Application Data Sheet, and an Amendment under 37 CFR 1.121.

Under separate cover, Mendel Biotechnology, Inc., the assignee of this application, is also filing Petitions to Accept an Unintentionally Delayed Claim for Benefit, with supporting documents, in related, co-assigned applications 10/225,067, filed August 9, 2002 and 10/374,780, filed February 25, 2003. Applicants respectfully suggest that the Petitions Office may find it convenient to consider the three petitions at the same time.

Applicants make note that the instant application currently stands abandoned. Per Applicants' own diligent research and discussions with Legal Advisor Joni Chang of the Office of Patent Legal Administration, Applicants fully believe that petitions under 37 C.F.R. 1.78(a)(3) are not precluded by an application's abandoned status, if otherwise properly made.

Applicants enter the petition filed herewith, in part, to provide the necessary chain of priority required under MPEP 201.11(C) for later-filed applications. It is not Applicants' intent to substantively prosecute the instant application.

Applicants respectfully request that the Petitions Office contact the undersigned, if any questions arise with respect to the petition filed herewith.

Dated: January 13, 2006

Respectfully submitted,

By Michael R. Ward

Michael R. Ward

Registration No.: 38,651

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